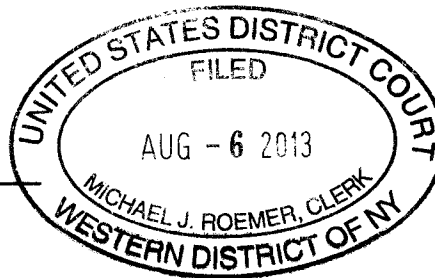


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

KENNETH NICHOLSON, 09A5751,

Plaintiff,

-v-

DECISION AND ORDER
13-CV-6072-FPG(P)

BRIAN FISCHER, Commissioner;
DALE ARTUS, Superintendent;
THOMAS J. STICHT, D.S.S.;
G. LUCAS, Correction Lieutenant;
JAMES JOHNSON, Correction Sergeant;
JASON BARRETT, Correction Officer;
JAMES FRANCE, JR., Correction Officer
and RICHARD BROOKS, Correction Officer;
PAUL CHAPPIUS, JR., Superintendent;
BRYAN LOCKLIN, Director of Classification;
T. SWEETS, Counselor/ORC;
J. POWELL, Correction Sergeant;
STEVEN LEE, Correction Officer/Law Library Supv.;
W. Abrunzo, Grievance Supervisor;
Correction Officer KELSEY, Nurse Practitioner and in
their Official Capacities; BENNETT, Correction Officer;
THERESA A. KNAPP-DAVID, Associate Commissioner;
ANTHONY J. ANNUCCI, Acting Commissioner;
ANDREA EVANS, Parole Chairperson
and J. POWERS, Correction Sergeant;

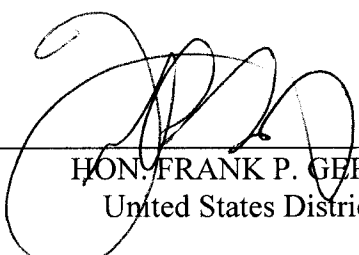
Defendants.

Plaintiff Kenneth Nicholson, proceeding *pro se*, has filed a motion for appointment of counsel, and an attached letter addressing a \$350.00 filing fee taken from his account for case 13-CV-6282G. Plaintiff's request for appointment of counsel is denied without prejudice to renew after his complaint has been amended and the Defendants have responded, for the reasons given in the

Court's Order of July 25, 2013 (Docket No. 33). Plaintiff's request that the Court address the filing fee from 13-CV-6282-FPG is denied as moot because the matter was addressed in the Court's Order cited above.

IT IS SO ORDERED.

DATED: August 6, 2013
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge